



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

CP: LXN  
F.#2011R00327

271 Cadman Plaza East  
Brooklyn, New York 11201

February 17, 2012

By Hand and ECF

The Honorable Carol B. Amon  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

RE: United States v. Allen K. Hand  
Criminal Docket No. 11-251

Dear Judge Amon:

The government respectfully writes in response to the defendant Allen K. Hand's February 10, 2012 sentencing letter seeking a non-custodial or below-Guidelines sentence based on the defendant's personal characteristics and history. The government agrees that the Court may consider the defendant's lack of criminal history and personal characteristics at sentencing pursuant to 18 U.S.C. § 3553(a), and the government would not object to a modest departure from the Guidelines range. The government, however, opposes a non-custodial sentence, which would not adequately reflect the seriousness of the offense or afford adequate deterrence.

I. Background

On September 15, 2011, the defendant Allen K. Hand pleaded guilty pursuant to a plea agreement to one count of conspiracy to commit wire fraud.

This charge arose out of the defendant's role in a scheme to commit mortgage fraud in connection with the purchase of two properties in Brooklyn, New York. (PSR ¶ 4). The defendant, among other things, recruited straw buyers, who were his family members, to purchase the properties and conspired with the mortgage originator to submit false financial information to lenders in order to obtain mortgages on the properties. Id. No mortgage payments were made by either the defendant or the straw buyers on either of the two properties. (PSR ¶¶ 16, 17).

In addition, the defendant admitted in the plea agreement that he, as the executive director of Trinity Community

Development and Empowerment Group, Inc., misused at least \$17,600 in Department of Justice grant funds, which were awarded to Trinity in 2009 and 2010 for a "Prisoner Reentry Program." (PSR ¶ 2).

On January 5, 2012, the Probation Department issued a PSR, which indicates that the defendant's Guidelines range is 27-33 months' custody. (PSR ¶ 82). The government has no objections to the Guidelines calculation.

## II. Argument

The defendant contends that a non-custodial sentence is sufficient to satisfy the purposes of punishment. Specifically, the defendant argues he has had a long record of community service, that he has no other criminal history and that this offense was "an isolated incident" and "out-of-character." (Def. Ltr. 9). Moreover, the letter notes the defendant's age as well as his remorse and shame for his crime. Id.

While the government agrees that the Court may consider the defendant's personal history and characteristics pursuant to 18 U.S.C. § 3553(a) in fashioning an appropriate sentence, there are other factors that also require equal consideration. The Court must also consider the factors set forth in 18 U.S.C. § 3553(a)(2)(A) and (B), namely, the need for the sentence to reflect the "seriousness of the offense," "to promote respect for the law," and "to afford adequate deterrence."

As the defendant himself acknowledges, the offense charged in this case was "serious," see Def. Lr. 8, and the defendant played a prominent role in the fraudulent scheme. (PSR ¶¶ 4-17). The lender lost more than \$850,000 as a result of the defendant's scheme. (PSR ¶ 18). The defendant obtained a financial benefit from the fraud in that he lived in one of the fraudulently obtained properties and operated Trinity out of the other.

Based on the totality of the circumstances in this case, the government believes that a below-Guidelines custodial

sentence would be "sufficient, but not greater than necessary" to achieve the goals of sentencing set forth in 18 U.S.C. § 3553(a).

Very truly yours,

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